DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. PLUSP039

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IONICALLY CONDUCTIVE MEMBRANES FOR PROTECTION OF ACTIVE METAL ANODES AND BATTERY CELLS, the specification of which,

(check one)	1. 🔲	is attached hereto.			
	2. 🗵	was filed on Febru U.S. Application and was amend	uary 3, 2004 on No. 10/772,228 ded on		as
	3. 🗌	was filed on International P and was amend	CT Application Serial No	as	
I hereby state that I have amended by any amendment	e reviewe ent referr	ed and understand the co	ontents of the above-identified spe	cification, in	cluding the claims, as
I acknowledge the duty to 37, CFR §1.56.	o disclose	e information which is m	aterial to the patentability of this a	pplication in	accordance with Title
Prior Foreign Application	on(s)				
inventor's certificate liste	reby claim foreign priority benefits under Title 35, United States code, § 119 of any states are listed below and have also identified below any foreign application for particle before that of the application on which priority is claimed: (Country) (Date Filed- Day/Month/Year)			atent or invent	or's certificate having enefits Claimed?
(Appl. No.)	_	(Country)	(Date Filed- Day/Month/Year)	_Yes	No
Provisional Application(I hereby claim the benefit		U.S.C. §119(e) of any U	nited States provisional application	n(s) listed belo	ow:
60/418,899 (Application No.)		October 15, 2002 (Filing Date)			
60/511,710 (Application No.)	· · · · · · · · · · · · · · · · · ·	October 14, 20 (Filing Date)	03		
60/518,948 (Application No.)		November 10, (Filing Date)	2003		

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United Sates Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as

Atty. Dkt. No.: PLUSP039

defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application: December 5, 2003 (Application No.) (Filing Date) (Status - patented, pending, abandoned) 10/686,189 October 14, 2003 Pending (Application No.) (Filing Date) (Status - patented, pending, abandoned) **Send Correspondence To:** Customer Number: 022434 Direct Telephone Calls To: James E. Austin at telephone number (510) 843-6200 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Typewritten Full Name of Sole or First Inventor: Citizenship: United States of America Inventor's signature:

Post Office Address:

Inventor's signature:

Residence:

Post Office Address:

Second Inventor:

Residence:

Inventor's signature:

Post Office Address:

Third Inventor:

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(City)

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10 Cross Bridge Place, Danville, California 94526

Citizenship:

Citizenship:

Date of Signature:

United States of America

United States of America

Date of Signature

(State/Country) California/USA

(State/Country) California/USA

(State/Country) California/USA

Atty. Dkt. No.: PLUSP039



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Visco et al.

Attorney Docket No.: PLUSP039

Application No.: 10/772,228

Examiner: Not yet assigned

Filed: February 3, 2004

Group: Not yet assigned

Title: IONICALLY CONDUCTIVE

MEMBRANES FOR PROTECTION OF ACTIVE METAL ANODES AND BATTERY CELLS

POWER OF ATTORNEY BY ASSIGNEE, 37 CFR §3.73 STATEMENT, AND EXCLUSION OF INVENTOR UNDER 37 CFR §3.71

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

PolyPlus Battery Company is the assignee of the above-referenced patent application by virtue of an assignment document. The assignment document is/was recorded:

	at Reel, Frame(s)
	on
X	submitted concurrently herewith

The assignee represents, pursuant to 37 C.F.R. §3.73(b), that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and hereby appoints the law firm of Beyer Weaver & Thomas, LLP and all practitioners who are associated with the Customer Number 022434 as principal attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence To:

Customer Number: 022434

Please direct any calls to James E. Austin (510) 843-6200.

Further, pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest:

PolyPlus Battery Company 2431 Fifth Street, Suite B, Berkeley, California, 94710

Date 2/26/04

May-Ying Chu Vice President of Operations

Applicant/Patentee: PolyPlus Battery Company	
Application or Patent No. 10/772,228	Atty Docket #PLUSP039
Filed of Issued: February 3, 2004	
TOOK EVERIFIED STATEMENT (DECLARA) 37 CFR 1.9(f) and 1.27(c)-	TION) CLAIMING SMALL ENTITY STATUS SMALL BUSINESS CONCERN
I hereby declare that I am The owner of the small business concern identified be [X] an official empowered to act on behalf of the small	
·NAME OF CONCERN: PolyPlus Battery Compan	у
ADDRESS: 2431 Fifth Street, Suite B, Berkeley, C	California, 94710
CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for p U.S. Code, in that the number of employees of the c persons. For purposes of this statement, (1) the number previous fiscal year of the concern of the persons employee the pay periods of the fiscal year, and (2) concerns are	s concern qualifies as a small business concern as defined in 13 urposes of paying reduced fees under 41(a) and (b) of Title 35, concern, including those of its affiliates, does not exceed 500 or of employees of the business concern is the average over the oyed on a full-time, part-time or temporary basis during each of affiliates of each other when either, directly or indirectly, one or a third party or parties controls or has the power to control
identified above with regard to the invention er	been conveyed to and remain with the small business concern titled: <u>IONICALLY CONDUCTIVE MEMBRANES FOR BATTERY CELLS</u> , by inventor(s) <u>Steven J. Visco, Yevgeniy S.</u>
[] the specification filed herewith. [X] Application No.10/772,228 filed issued	
organization having rights to the invention is listed below than the inventor, who could not qualify as a small but would not qualify as a small business concern under 3.	
Address: [] individual [] small business concern	
[] individual [] small business concern	[] nonprofit organization
I acknowledge the duty to file, in this application or pentitlement to small entity status prior to paying, or maintenance fee due after the date on which status as a s	patent, notification of any change in status resulting in loss of at the time of paying, the earliest of the issue fee or any small entity is no longer appropriate. (37 CFR 1.28(b)).
information and belief are believed to be true; and fur willful false statements and the like so made are punisha	my own knowledge are true and that all statements made on ther, that these statements were made with the knowledge that able by fine or imprisonment, or both, under 1001 of Title 18 of ay jeopardize the validity of the application, any patent issuing directed.
NAME OF PERSON SIGNING: May-Ying Chu	
TITLE IN ORGANIZATION: Vice President	
SIGNATURE 7	DATE 2/26/04